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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,291	12/03/2003	Brian C. Morris	S-00014-011	6923
25179 7590 03/13/2007 A PATENT LAWYER CORP, PC R WILLIAM GRAHAM 22 S ST CLAIR ST DAYTON, OH 45402			EXAMINER LOVING, JARIC E	
			ART UNIT	PAPER NUMBER
			2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/727,291

Applicant(s)

MORRIS ET AL.

Examiner

Jaric Loving

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/3/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freed et al., US 2003/0014628 and further in view of Gast, US 2003/0046532.

In claims 1 and 11, Freed discloses a system and method for increasing data access in a secure socket layer network environment, which includes:

a web server computer having SSL protocol server software operably associated therewith for enabling a SSL connection, wherein SSL protocol server software includes a CA certificate and private key, SSL acceleration server software operably associated with said web server computer which includes a pseudo CA certificate and access to said private key and a public key (paragraphs [0006]-[0009], [0052]-[0053]); and

a client computer communicatively linked to said web server computer having web browser software having SSL protocol client software operably associated therewith for enabling an SSL connection between said client and said web server, SSL acceleration device operably associated with said client computer which communicates with said SSL acceleration device to receive a copy of said pseudo CA certificate and said public key and present said pseudo CA certificate to said web browser software for validation thereof (paragraphs [0006]-[0009], [0034]-[0035], [0052]-[0053]).

Freed fails to disclose SSL acceleration being performed by client and server software. Gast discloses SSL acceleration being performed by client and server software (paragraph [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Freed's secure communications method with Gast's acceleration system utilizing client and server software for acceleration to provide greater control by the client and server. It is for this reason that one of ordinary skill in the art would have been motivated to provide Freed's secure communications method with SSL acceleration performed by client and server software because it helps increase the speed at which encrypted network transactions may be processed (Gast, paragraph [0015]).

In claims 2 and 12, Freed, as modified, discloses the system and method of claims 1 and 11, respectively, wherein said SSL acceleration client software is further equipped for monitoring when said web browser requests a SSL connection with said web server computer and intercepting said SSL request from said web browser, and diverting communication through one of an established and an initiated SSL connection through said SSL acceleration client software and SSL acceleration server software (Freed, paragraphs [0034]-[0035], [0047]-[0048]).

In claims 3 and 13, Freed, as modified, discloses the system and method of claims 1 and 11, respectively, wherein said SSL acceleration client software is equipped to initiate a SSL request to said SSL acceleration server software operably disposed

with web server computer to establish a SSL connection (Freed, paragraphs [0034]-[0035], [0047]-[0048]).

In claims 4 and 14, Freed, as modified, discloses the system and method of claims 3 and 13, respectively, wherein SSL acceleration server software is further equipped for monitoring when the web server computer receives a request for a SSL connection through said SSL acceleration client software where upon such request initiates a SSL handshake wherein said pseudo CA certificate is sent to said client computer via SSL acceleration client software with a public key (Freed, paragraphs [0006]-[0009], [0052]-[0053]).

In claims 5 and 15, Freed, as modified, discloses the system and method of claims 4 and 14, respectively, wherein said web browser software is equipped to send a list of available encryption algorithms to said web server computer and said SSL acceleration client software intercepts said list, selects an encryption algorithm from said list (Freed, paragraphs [0008], [0034]-[0035], [0055]-[0056]).

In claims 6 and 16, Freed, as modified, discloses the system and method of claims 5 and 15, respectively, wherein said SSL acceleration client software is equipped to send said chosen encryption algorithm to said browser software (Freed, paragraphs [0008], [0034]-[0035], [0055]-[0056]).

In claims 7 and 17, Freed, as modified, discloses the system and method of claims 6 and 16, respectively, wherein said browser software is equipped to create a secret key, encrypt using said chosen encryption algorithm and using said public key and send said encrypted secret key to said server computer through said SSL

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acceleration client software/ SSL acceleration server software (Freed, paragraphs [0007]-[0010]).

In claims 8 and 18, Freed, as modified, discloses the system and method of claims 7 and 17, respectively, wherein said SSL acceleration server software is equipped to de-encrypt said secret key using said private key (Freed, paragraphs [0007]-[0010], [0034]-[0035]).

In claims 9 and 19, Freed, as modified, discloses the system and method of claims 8 and 18, respectively, which includes compression software for transmitting data secure communications between said client computer and said web server computer (Freed, paragraphs [0052]-[0053]).

In claim 10, Freed discloses a system for increasing data access in a secure socket layer network environment, which includes:

a web server computer having SSL acceleration server software for transferring a copy of a pseudo CA certificate and a public key (paragraphs [0006]-[0009], [0052]-[0053]); and

a client computer communicatively linked to the web server computer having SSL acceleration device operably associated with said client computer which communicates with said SSL acceleration device to receive said copy of a pseudo CA certificate and said public key and present said pseudo CA certificate to web browser software on said client computer for validation thereof (paragraphs [0006]-[0009], [0034]-[0035], [0052]-[0053]).

Freed fails to disclose SSL acceleration being performed by client and server software. Gast discloses SSL acceleration being performed by client and server software (paragraph [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Freed's secure communications method with Gast's acceleration system utilizing client and server software for acceleration to provide greater control by the client and server. It is for this reason that one of ordinary skill in the art would have been motivated to provide Freed's secure communications method with SSL acceleration performed by client and server software because it helps increase the speed at which encrypted network transactions may be processed (Gast, paragraph [0015]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chapman et al., US 7,043,632; Dobner et al., US 6,874,084; Balaz et al., US 2006/0179298; Fountain et al., US 2006/0149962; Fisher, US 2006/0020783; Archard et al., US 2005/0210243; Terzis et al., US 2004/0243835; Mowers et al., US 2004/0210756; Wookey et al., US 2003/0149889; Kirsch 2005/0177866.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaric Loving whose telephone number is (571) 272-1686. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JL



EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER